

Meeting of 2006-2-14 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 14, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:07 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by the Chaplain David Vanderjagt, 30<sup>th</sup> Regiment, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Rex Givens, Ward Two

Janice Drewry, Ward Three  
Keith Jackson, Ward Four

Jeffrey Patton, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT:       Robert Shanklin, Ward Five

STATE OF THE CITY ADDRESS BY MAYOR PURCELL

Mayor Purcell gave the State of the City Address, which is included as an attachment to these minutes.

AUDIENCE PARTICIPATION: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF JANUARY 10 AND JANUARY 24, 2006.

MOVED by Drewry, SECOND by Warren, to approve the Minutes of January 10 and January 24, 2006. AYE: Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. ABSENT: Haywood. MOTION CARRIED.

CONSENT AGENDA

MOVED by Warren, SECOND by Jackson, to approve the Consent Agenda items as recommended. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: None. ABSENT: Haywood. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Loretta and Matthew Ashenfelter in the amount of \$545.97. Exhibits: Legal Opinion/Recommendation, **Resolution No. 06-31**.
2. Consider authorizing a Resolution of Necessity for real property acquisition for the Sullivan TV Acres Project (2000 CIP WL #2005-15). Exhibits: **Resolution 06-32** is on file in the City Clerk s Office
3. Consider approving the sale of surplus property described as Lots 12 thru 31 of Block 3 of Plainview Addition to St. John s Missionary Baptist Church for the amount of Ten Thousand and One Dollars (\$10,001.00), and authorize the Mayor and City Clerk to execute the Quit Claim Deed. Exhibits: The notice of public auction and Quit Claim Deed are on file in the City Clerk s office.
4. Consider approving the Contract for Sale for the surplus property described as Lots 1 thru 8, Block 69 of Lawton Heights Sub-division also described as Lot 1, Block 69 of Lawton Heights Addition to Lawton/Ft. Sill Habitat for Humanity Inc. for the amount of Eight Hundred and One Dollars (\$801.00), and authorize the Mayor and City Clerk to execute the Contract for Sale and the conveyance documents. Exhibits: The notice of public

auction, Contract of Sale and Quit Claim Deeds are on file in the City Clerk's office.

5. Consider ratifying the actions of the Lawton Water Authority by approving a lease of the City's oil and gas interests for the tracts of land listed below located in the vicinity of Lake Ellsworth in Comanche/Caddo Counties to the highest and best bidder and authorize the Mayor and City Clerk to execute the lease documents. Exhibits: Bid
6. Consider entering into an agreement with Marie Detty Counseling Services, Inc. to carry out a CDBG project authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 2004 (July 1, 2004 thru June 30, 2005) and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: The Consolidated One-Year Action Plan and the agreement are on file in the City Clerk's office.
7. Consider a request from Great Plains Improvement Foundation (GPIF), Inc. to approve a proposed Emergency Shelter Grant (ESG) project and authorize the Mayor to sign the Certification of Local Approval for the ESG application to the Oklahoma Department of Commerce (ODOC). Exhibits: GPIF Letter of Request with Form ODOC-4 Certification of Local Approval.
8. Consider a Resolution increasing the petty cash account for the City of Lawton Municipal Court. Exhibits: **Resolution No. 06-33.**
9. Consider establishing a Special Revenue Jail Fee Fund. Exhibits: Copy of the statute and proposed **Resolution No. 06-34.**
10. Consider acknowledging receipt of a permit from the Oklahoma Department of Environmental Quality for the construction of 565 linear feet of eight (8) inch PVC gravity sewer line and all appurtenances to serve the Regal Estates Addition Part 5 located in the SW/4 of the NE/4 of Section 34, T-2-N, R-11-W, I.M., City of Lawton, Comanche County, Oklahoma. Exhibits: Permits to Construct on file in the City of Lawton, Comanche County, Oklahoma.
11. Consider approving the construction plans for a sewerline extension located on the west side of NW 82<sup>nd</sup> Street, approximately mile north of Quanah Parker Trailway. Exhibits: Location Map.
12. Consider issuing a revocable permit for the installation of a parking lot to serve the Mount Pleasant Baptist Church located at 1403 SW Summit Avenue. Exhibits: Application and site plan. Revocable Permit is on file in the City Clerk's office.
13. Consider awarding a construction contract to Utility Service Co., Inc. for the Water Storage Tank Renovation and Maintenance Project #2005-6. Exhibits: None.
14. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a project agreement for maintenance and funding with the Oklahoma Department of Transportation (ODOT) for improvements on the NE Flower Mound Road (Cache Road to Rogers Lane) Project #2004-18, Federal-aid Project Number STP-116B (125)MS. Exhibits: **Resolution 06-35**, ODOT letter dated January 27, 2006. Project Agreement is on file in the City Clerk's office.
15. Consider approving plans and specifications for the safety related East Gore Boulevard and Cache Rd/Fort Sill Boulevard Bridge Improvement Project #2005-2 and authorizing staff to advertise for bids. Exhibits: None.
16. Consider approving the Oklahoma Department of Transportation (ODOT) revised Change Order No. 3 for the NW 38<sup>th</sup> Street (Cache Road to Rogers Lane) Project #2000-16 and authorize funding from the NW 38<sup>th</sup> Street 2005 CIP Project. Exhibits: Letter dated January 24, 2006 from the ODOT staff.
17. Consider adopting Street Light Resolution No. 441 to authorize the removal of seven (7) street lights and installation of three (3) street lights as detailed below. Exhibits: Street Light Resolution No. 441.
18. Consider awarding (CL06-034) ISCO Automatic Samplers to Automatic Engineering, Inc., of Tulsa, Oklahoma. Exhibits: Abstract of bids and department recommendation.
19. Consider awarding (CL06-035) Sludge Dewatering Polymer to Polydyne, Inc. of Riceboro, Georgia. Exhibits: Abstract of bids and department recommendation.
20. Consider approving the contract extensions for (CL05-029) Footwear (Safety, Athletic, Walking) to Bill's Scoreboard of Lawton, Oklahoma and Woodward's of Cyril, Oklahoma. Exhibits: None. (Contracts, information from previous bid awards, and letters of staff recommendation on file in Financial Services Office)
21. Consider adopting a Resolution to allow the appointment of Larry Holcomb to the Lakes and Land Commission. Exhibits: Proposed **Resolution No. 06-36.**
22. Consider approving appointments to boards and commissions. Exhibits: None.

23. Consider approval of payroll for the periods of January 16-29, 2006. Exhibits: None.

#### BUSINESS ITEMS:

24. Consider adopting a Resolution in Support of a City Platform for Strengthening Families and Improving Outcomes for Children and Youth, and authorizing the Mayor and City Clerk to execute the necessary associated documents. Exhibits: Resolution of Support 06-\_\_\_\_, City Platform Response Form, Information about Dr. Bruce Perry, strengthening Families to Build Strong Communities.

Mitchell stated this is an effort sponsored by the National League of Cities and their Council on Youth, Education and Families. They have developed a platform for municipal action in leadership on behalf of children, youth and their families. This is a great need in every community in the state and the nation. He requested City Council support for this platform and the city's participation in the NLC effort.

Givens stated he hoped the Council members have read the resolution and understand the importance of what they are trying to do, because it will call for more action other than just passing the resolution. He recommended the City Council make this one of the few priorities they have publicly given the City Manager as part of his direct responsibilities to see that the resolution is carried out to the fullest extent.

MOVED by Warren, SECOND by Shoemate, to adopt **Resolution No. 06-37** in support of a City Platform for Strengthening Families and Improving Outcomes for Children and Youth, and authorizing the Mayor and City Clerk to execute the necessary associated documents. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

Mayor Purcell read a proclamation encouraging citizens to attend a Dr. Bruce Perry event on February 21<sup>st</sup> titled Strengthening Families to Build Strong Communities. He presented the proclamation to Jane Mitchell, Executive Director of Success by Six.

Ms. Mitchell thanked the Mayor and City Council for their support for families and children. What they have done will make a significant difference in the community as they work to strengthen families to empower them to be the best parents they can be. She encouraged everyone to attend the Bruce Perry event on February 21<sup>st</sup>.

25. Hold public hearings and adopt resolutions declaring the structure(s) at: 1202 S.W. 25<sup>th</sup> Street, 704 N.W. 61<sup>st</sup> Street, 411 S.W. 13<sup>th</sup> Street, 1614 S.W. Douglas Avenue, 1214 N.W. Columbia Avenue, 2513 S.W. B Avenue, 1302 S.W. Park Avenue, 913 S.W. 36<sup>th</sup> Street, 1901 S.W. F Avenue, 315 N.W. Bell Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Ten Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Purcell requested that 704 NW 61<sup>st</sup> Street and 1614 NW Douglas Avenue be stricken from the agenda.

1202 SW 25<sup>th</sup> Street: Griffith presented photographs of the property. The structure has been without utilities since May 1987 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Warren stated he had spoken with one of the gentlemen who runs the Helen Holliday Foundation and there is a story with this property. There was no house on the property when it was sold. After the property was purchased the owner brought in the house. The Foundation has since foreclosed on the property and they want to get rid of it. They have no problem with tearing it down. He requested that this property be tabled for thirty days. They have approached Habitat for Humanity.

MOVED by Warren, SECOND by Haywood, to table this property for thirty days. AYE: Patton, Haywood, Warren, Shoemate, Drewry, Jackson. NAY: Givens. MOTION CARRIED.

411 SW 13 Street: Griffith presented photographs of the property. The structure has been without utilities since June 1999 and is vacant. The exterior walls have holes, breaks, and other loose rotten material. The roof is in disrepair.

PUBLIC HEARING OPENED.

Frank Stroll, 206 Breckenridge, stated the owner inherited the property and he has been remodeling her current home for the past year. He just found out this property was on the agenda and he filed for a remodel permit yesterday. The permit should be issued tomorrow.

Mayor Purcell questioned if the property would be brought up to code.

Mr. Stroll stated yes.

Warren stated this is one of those instances where it will work out for the property owner if the City Council votes to put the property on the list.

Vincent stated as long as progress is being made, extensions may be granted by the City Manager. If a remodel permit is pulled, the house will have to be at code before a Certificate of Occupancy can be issued.

Mayor Purcell stated that everything will have to be brought up to today's current codes.

Jackson stated that the City Council is not in the business of tearing down houses and they fully support the efforts of Mr. Stroll.

PUBLIC HEARING CLOSED.

MOVED by Warren, SECOND by Givens, to approve **Resolution No. 06-38** and declare the structure at 411 SW 13<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1214 NW Columbia Avenue: Griffith presented photographs of the property. The structure has been without utilities since August 2005 and is vacant. There is an accumulation of rubbish and garbage around the property. The walls are not structurally sound. Exterior walls have holes. Staff has secured the property and cleaned it up several times in the last year.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Jackson, to approve **Resolution No. 06-39** and declare the structure at 1214 NW Columbia Avenue to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: None. MOTION CARRIED.

2513 SW B Avenue: Griffith presented photographs of the property. The structure has been without utilities since 2001 and is vacant. The exterior surface lacks protective treatment from the elements. The exterior walls have holes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Shoemate, to approve **Resolution No. 06-40** and declare the structure at 2513 SW B Avenue Street to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

1302 SW Park Avenue: Griffith presented photographs of the property. The structure has been without utilities since 2003 and is badly damaged from fire. It presents a hazard to the community.

Patton questioned when the property burned.

Jackson stated it is around the corner from his business and the property burned less than two months ago.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 06-41** and declare the structure at 1302 SW Park Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

913 SW 36<sup>th</sup> Street: Griffith presented photographs of the property. The structure has been without utilities since August 1999 and is vacant. The exterior surface lacks protective treatment from the elements. Exterior walls have holes. The roof is in disrepair.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 06-42** and declare the structure at 913 SW 36<sup>th</sup> Street to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1901 SW F Avenue: Griffith presented photographs of the property. The structure has been without utilities since July 1998 and is vacant. The exterior walls have holes and breaks.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Haywood, to approve **Resolution No. 06-43** and declare the structure at 1901 SW F Avenue to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: None. MOTION CARRIED.

315 NW Bell Avenue: Griffith presented photographs of the property. This is a fire damaged structure and is vacant. The title holder has approached staff to declare the property dilapidated for the purpose of reduced tipping fees.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Drewry, to approve **Resolution No. 06-44** and declare the structure at 315 NW Bell Avenue to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

Warren questioned why 704 NW 61<sup>st</sup> Street was stricken off the agenda.

Griffith stated the current title holder did not receive proper notice. In addition, the title holder assured him that within the next thirty days he would start the renovation process.

Warren stated this property has been a problem since he first started on the City Council and he requested staff keep an eye on the property.

Griffith stated the new title holder has a track record of buying up and renovating property. He does have a suspense date to comply with his promise.

26. Hold a public hearing and consider approving an ordinance changing the zoning from R-1 (Single-Family Dwelling District) zoning classification with a Planned Unit Development overlay district to R-1 (Single-Family Dwelling District) located at Mark Edward Drive and Pamela Lane. Exhibits: Ordinance No. 06-\_\_\_, Location Map, Applications and CPC Minutes.

Richard Rogalski, Planning Director, stated this 5.346 acre tract is located at the intersection of Mark Edward Drive and Pamela Lane and will be developed as Boyles Landing, Section 3. Initially, Boyles Landing, Section 3, was to be a gated single-family residential subdivision, and in December 2000 the property was rezoned to R-1 with a PUD overlay. The developer, Mattie Boyles, has changed the design of the subdivision and is requesting the PUD overlay be removed.

The zoning of the surrounding area is Planned Unit Development to the north, south, and east and A-1 (General Agricultural District) to the west. The land use of the surrounding area is vacant to the north, south, and west and single-family residential to the east.

On January 12, 2006, the City Planning Commission held a public hearing on this request. One person spoke in favor of the request. The Commission by a vote of 8 - 0 recommended approval of the request.

Notice of public hearing was mailed to 12 property owners within 300 feet of the requested area on January 24, 2006.

Givens questioned why the developer is requesting the removal of the PUD overlay.

Rogalski stated they would prefer the street to be a public street and a R-1 subdivision. They want that PUD overlay removed so they can remove the gate.

Givens questioned what the PUD overlay would do as opposed to the R-1.

Rogalski stated it is already R-1 with a PUD overlay.

John Mackey, representing the applicant, Ms. Boyles, stated that a planned unit development has different aspects than an R-1 does not.

Vincent stated in this particular situation, Mrs. Boyles wanted to do away with a gated community and remove the fence from around the exterior of the property. In her original proposal the street that ends in a cul de sac would have been a private street, which would be maintained by a homeowners association.

PUBLIC HEARING OPENED.

Mackey stated he was in attendance to answer any questions.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Drewry, to approve **Ordinance No. 06-05**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-05

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) with a planned unit development overlay to R-1 (Single-Family Dwelling District) zoning classification on the tract of land approximately 5.46 acres located South of the intersection of Mark Edward Drive and Pamela Lane as described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

27. Consider approving the record plat for Boyles Landing, Section 3, and accepting improvements, maintenance bonds, and easements outside the platted area. Exhibits: Plat Map. Maintenance Bonds and Easements are on file in the City Clerk's Office.

Rogalski stated this was a follow up to the previous rezoning. The subdivision could not be submitted for approval without the zoning approval. The improvements on the property have been inspected and found to be satisfactory. Maintenance bonds from Fehring Concrete Placement, Inc., in the amount of \$7,710.00 for water and sewer and \$14,478.00 for streets and drainage improvements have been submitted. Two Permanent Utility Easements outside the platted area have been submitted. The City Planning Commission approved the record plat on January 26, 2006.

MOVED by Haywood, SECOND by Warren, to approve the record plat for Boyles Landing, Section 3, and accept the improvements, maintenance bonds, and easements. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

28. Consider approving an Outside Water Sales Contract with McGuire & Wells, LLC, which would serve a proposed subdivision in the Southwest Quarter of Section 24, Township 2 North, Range 11 West, and authorize the Mayor and City Clerk to execute the contract. Exhibits: Request letter.

Vincent stated the proposed developers are in attendance if there are questions. They have agreed to comply with all city code requirements for the development including streets, sidewalks, water lines and fire plugs. This is the new style contract that contains a termination clause.

Warren questioned if inspectors actually go out.

Vincent stated yes. The developer will have to go through the subdivision process through the Planning Division and will have to get building permits through permitting and inspections.

Most of the other contracts that were done 20 or 30 years ago were basically perpetual contracts that could only be terminated through breach of contract. This contract has a 180 notice with either party.

Givens questioned if there was a contingency clause in these outside water contracts that state should we be short of water, they would be the first to go.

Vincent stated there is a specific clause in this contract that they will comply with the water conservation ordinance, which provides that if we get to a phase III, we will start shutting off outside water contracts.

MOVED by Givens, SECOND by Jackson, to approve an Outside Water Sales Contract with McGuire & Wells, LLC, which would serve a proposed subdivision in the Southwest Quarter of Section 24, Township 2 North, Range 11 West, and authorize the Mayor and City Clerk to execute the contract. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

29. Consider an ordinance amending Section 4-2-1-211, Division 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, by establishing the prohibition of low point beer in designated areas within the City, and providing for severability. Exhibits: Ordinance No. 2006-\_\_\_\_.

Vincent stated this ordinance was actually precipitated by the following two items. When considering the area of Elmer Thomas Park and Lake Helen and the new amphitheater stage area, it was determined that anything east of the new 6<sup>th</sup> Street could not have any type of alcoholic beverage on the property. Low point beer was authorized in the vicinity of the museum and the auditorium as long as they were part of the sponsored event. This ordinance provides that if there is a sponsored activity for use of the east side of the park, which could include Arts for All, Boulevard of Lights and

other festivals, could have low point beer if they pull the right permits. This ordinance does not change anything in the area of the auditorium or the museum. Under the ordinance, unless you are part of an organized event, you cannot drink beer in Elmer Thomas Park.

Shoemate stated there are few times you can go places with your family and have family fun. Now we are going to sell beer.

Vincent stated if the International Festival and Arts for All Festival moves to Elmer Thomas Park, there will be beer sold. This is to accommodate the existing festivals and there will be control.

Haywood questioned where festival goers would park.

Kim Shahan, Parks and Recreation Director, stated the parking will be in new parking lots, in front of the museum and auditorium and also in a designated grass area.

MOVED by Drewry, SECOND by Patton, to adopt **Ordinance No. 06-06**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Givens, Drewry. NAY: Shoemate, Jackson. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-06

An ordinance pertaining to alcoholic beverages amending Section 4-2-1-211, Division 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, by changing the title, establishing the prohibition of low point beer in designated areas within the city and providing for severability.

30. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, as amended, establishing the Schedule of Fees and Charges for the Use of the Elmer Thomas Park/Lake Helen Stage and establishing an effective date. Exhibits: Resolution No. 06-\_\_\_ and Proposed Rate Sheet for Elmer Thomas/Lake Helen Stage.

Shahan stated this could seem a little premature in terms of bringing a rate request for something that is not constructed, but because they are preparing to construct, organizations and individuals are interested are looking to the future of developing a plan. With centennial events occurring in 2007, he felt that a rate program should be established so he can communicate to those organizations what they may be looking at in terms of costs. This is a schedule of fees for the use of the stage, which will be 125 frontage with a 75 back, 50 deep and a 3 high concrete stage area that will be constructed through last years capital outlay. This will not include the cover.

There are a couple of organizations that want to create some festive, family oriented events on this stage. The majority of the work is being done in house by park and recreation staff. This will be bid in the spring with completion by January 1, 2007. The fees were established through the process used at the McMahon Auditorium.

Warren stated he has no problem with these fees, but for example if the AMBUCS want to put on an evening concert to raise some money, he just wants everyone to be aware that this would cost that group \$1,300 to put on this concert. He wanted everyone to be mindful that the City Council would probably hear about these costs.

Givens questioned how he came up with \$1,300?

Warren stated there would be \$200 for a day rental and a \$500 a night fee. There is also a park closure fee of \$500 and also liability insurance, which he just guessed may be around \$100. He thinks a lot of those functions may raise \$8,000, \$10,000 or \$12,000, so that is not a lot of money, but they will probably hear about it because that is a lot of money for a fundraiser. He stated that maybe at a later date they could adjust that for non profits.

Shoemate questioned if these costs include security.

Shahan stated no, but that would be based on the size of the event.

Givens questioned what it would cost to use the auditorium for an evening event.

Shahan stated the first performance is \$220, plus there are stage fees. The cost is comparable. They feel they have established a fee rate that the public is now paying for an indoor facility.

Jackson stated he does not agree with charging for the rental of city projects, but in sporting complexes, we charge a fair amount of money. It is almost \$1,500 to rent a complex for the weekend. Unfortunately fees are a part of life now.

Warren stated he just wanted to make sure everyone understood, because he is sure they will be receiving calls.

MOVED by Warren, SECOND by Givens, to adopt **Resolution 06-45** amending Appendix A, Schedule of Fees and Charges,

Lawton City Code, 2005, as amended, establishing the Schedule of Fees and Charges for the use of the Elmer Thomas Park/Lake Helen Stage and establishing and effective date of March 1, 2006. AYE: Shoemate, Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

31. Consider approving a proposed standard lease agreement for use of the Elmer Thomas Park/Lake Helen Stage. Exhibits: Standard Lease Agreement.

Shahan stated this item gives specific direction to organizations and lets them know what the city will provide in terms of the lease agreement for the utilization of the stage area. There are two contracts provided, one recognizes restricted access to the park. If an organization is requesting restriction to the park, that particular request would come before the City Council to approve the utilization of the park with restricted access to the general population. If restriction is not being requested, the contract is in place and he would be able to approve and they will move forward.

Givens stated he had asked the City Attorney for some kind of an amendment on the restricted access lease agreement. He would like a provision that would show their closure plan. There is nothing in the agreement that stated how it will be restricted.

Warren stated there is really only one way to close the park.

Givens stated there are many exits and entrances.

Shahan stated that is the reason that the plan would be brought before the City Council to explain how it will be restricted. It is required in the contract for the organization to provide staff with an approved site plan.

Givens stated that is not included in the lease agreement. The method in which they close the park needs to be approved as well.

Shahan stated the organization would not be telling staff exactly how they would be closing the park, staff would be telling the organization what must be done.

Givens stated the only reason he brought this up is because he has been to the park two or three times when an organization has made an attempt to restrict entrance and it did not work. He is concerned that nothing was mentioned about closing and how it would be done.

Shahan stated the organization would make the request that the park be restricted. The area of the amphitheater would be the restricted area, it would be just a portion of the park that is restricted and they will create gate access for a particular event. The overall park will not be closed off. The only major event that he feels the park may be closed off is for the Boulevard of Lights when they attempt to create the lighting system that will run through the park. During that period of time during the year, they will be closing the park which will be beneficial to the community.

Givens stated he would feel more comfortable if the Approved Site Map area of the restricted lease agreement would be amended to say that a site map of the event to include closure plan must be approved by the Parks and Recreation Director.

Patton questioned if there is a guideline set for the number of portable toilets that are required.

Shahan stated it will be up to staff to direct how many will be required.

MOVED by Givens, SECOND by Warren, to approve the Non Restricted Access Lease Agreement and amend the Restricted Access Lease Agreement under the Approved Site Map area to say a site map of the event to include closure plan must be approved by the Parks and Recreation Director. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

32. Consider paying for the cost of the special Hotel/Motel election held December 13, 2005 out of Hotel/Motel tax revenue in the amount of \$8,678.05. Exhibits: Request for payment County Election Board.

Rick Endicott, Finance Director, stated in December citizens approved the hotel/motel tax. The City of Lawton has been invoiced by Comanche County Election Board. Staff is recommending that those costs be paid out of hotel/motel tax funds. He stated there is one correction, the amount is \$8,678.45.

MOVED by Jackson, SECOND by Warren, to approve paying for the cost of the Hotel/Motel tax election from Hotel/Motel Revenue in the amount of \$8,678.45. AYE: Drewry, Jackson, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.



33. Adopt a resolution requesting the assistance from the Oklahoma Municipal League to contact the Oklahoma Department of Transportation to establish weigh stations at entry points on state highways. Exhibits: Resolution No. 06-\_\_\_\_.

Jackson stated he is concerned that a small part of the problem with our streets and roads in the city limits is the result of overweight trucks. He believes that the City Council should ask the Oklahoma Municipal League to ask the State Legislature to provide monies to reinstitute weigh stations at the entrances to the border of the State of Oklahoma. He stated in most states, except for Texas, they do provide for some sort of weigh stations for trucks. The streets are falling apart in this community.

MOVED by Jackson, SECOND by Warren, to adopt **Resolution No. 06-46** requesting assistance from the Oklahoma Municipal League in the establishment of weigh stations on state highways. AYE: Jackson, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood distributed a copy of the Lawton City Code Section 19-7-701 regarding Park Closings/Unauthorized Parking. He spoke with the Police Chief and Parks and Recreation Department staff and he is going to do more investigation on this matter and he will bring this item back to the City Council in two weeks. He stated there will be a fundraiser for Office Poindexter on February 17<sup>th</sup> from 5 7 p.m. at the Prairie House at the Coliseum.

Mayor Purcell encouraged everyone to support this event.

Patton stated there will also be a fundraiser sponsored by Lawton AMBUCS on February 17<sup>th</sup> from 6:30 9:00 a.m. at Fire Mountain Grill. Tickets are \$10.

Jackson commended the Lawton Police Department on their effort to catch those who are selling beer to minors. He requested the police keep a watch on speeders in school zones. He questioned if the City of Lawton has an ordinance regarding the flowing of water in streets from sprinkler systems. At some point he would like to agenda an item to discuss this topic.

Warren stated there has been water running down Gore Boulevard for three days.

Jackson stated there is a lot of this going on around town.

Drewry asked that Mr. Ihler address the issue of the new trash containers and those residents with disabilities. She asked that the newspaper also run something regarding this issue. She is getting a lot of calls and she has had a citizen in her ward injured. Most citizens do not know they can get help.

Ihler stated if residents would like house side pick up, they need to call Public Works at 581-3413. If the resident had a disability, they need to provide a letter and they will not be required to pay the extra cost for house side service which would be \$14.82.

Drewry stated she has heard so many nice compliments about city employees and it makes her feel very proud to sit on this City Council.

Shoemate stated he sees too many trash cans and garbage racks along the streets. He knows there are ordinances against this and he wishes staff would enforce this ordinance. It makes the city look bad.

Drewry stated the new trash containers look wonderful and her area has never been so clean.

Mayor Purcell stated he received a letter from COL Uberti requesting his support regarding signing a reciprocal agreement which states that the members of the Lawton Country Club can play at the Fort Sill golf course for \$25. Those members of the Fort Sill golf club can also play at the Lawton Country Club for \$25. He stated this was instituted by the Lawton Country Club. He questioned if the City Council had any problem with supporting this issue. He stated Fort Sill approached the municipal golf course and they have decided not to participate.

Vincent stated he and the Assistant City Manager and the Parks Director have met with a bidder that submitted a proposal for the RFP for Robinson s Landing. The bidder cannot get financing without some kind of agreement for a buyout if the lease is terminated early. He is asking for direction from the City Council. The bank will agree that if the lease goes to full term, there will be no buyout. The other issue is that if staff did not put the RFP out that way and the City Council does agree to some sort of buyout, they probably need to put it back out.

Jackson stated back when he was on the City Council they went through three or four concessionaires trying to operate that facility. He feels that for it to be successful, there needs to be an influx of money to develop the area. They need to consider helping someone who is willing to invest some money. More effort needs to put into

developing a better contract.

Warren stated he would not have a problem as long as it is structured so that the buyout would only take place if the City decides to end it early because of something other than non-compliance by the lessee.

Vincent stated the direction from the City Council was no buyout provisions. If they are not going to allow some type of buyout to be negotiated, there is no sense in proceeding.

Shoemate questioned what were the plans of the bidder.

Vincent stated if they are going to go out again with the RFP, he does not want to reveal any details.

Shoemate stated he does not want to see any additional trailers.

Warren stated the City Council needs to determine that buyout provision. He requested staff bring back the wording of the buyout clause back to Council before they go back out with the RFP.

Vincent stated in the meantime they will leave this particular proposal open and submit the revised version and let him amend rather than give a formal rejection of the proposal.

The Mayor and Council convened in executive session at 7:53 p.m. and reconvened in regular, open session at 8:00 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Carlos Anguiano, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 34 shown above. He said the Council did receive a briefing on the claim. No action is required.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Arguell Harris, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 35 shown above. He said the Council did receive a briefing on the claim. No action is required.

#### ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:01 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT